

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
SOLID WASTE MANAGEMENT,
CHAPTER 391-3-4**

Rule 391-3-4.01 “Definitions” is being amended.

Purpose: The purpose of this amendment is to clarify existing definitions and delete outdated definitions.

Main Features: Edits to the following definitions: “CCR Landfill” (to be consistent with EPA CCR Rule), “Contaminant that is likely to pose a danger to human health”, “Qualified Groundwater Scientist” and “Shredding”; adding “Construction/Demolition Waste Landfill”; deleting “Existing SWLF or landfill unit” and “New MSWLF Unit.”

Rule 391-3-4.02 “Solid Waste Handling Permits” is being amended.

Purpose: The purpose of this amendment is to include a provision for the review of solid waste handling permits and to clarify when a major or minor modification is triggered.

Main Features: The Rule is being amended as follows:

- Includes requirement for all permits (new and existing) to be reviewed and updated (as necessary) every 5 years;
- Permit application for review may be submitted up to 18 months prior to review date.
- Edited Major Modification to clarify any expansion (vertical or horizontal) and include the addition of a processing operation
- Clarified Minor Modifications and removed automatic 45-day approval

Rule 391-3-4.03 “Public Participation” is being amended.

Purpose: The purpose of this amendment is to clarify when the Director gives notice for the issuance, modification, suspension, revocation, denial or transfer of a permit.

Main Features: Clarifies when the Director gives notice for the issuance, modification, suspension, revocation, denial or transfer of a permit.

Rule 391-3-4-.04 “General. Amended.”

Purpose: The purpose of this amendment is to correct a typographical error, clarify language of the variance provision and update a citation.

Main Features: The Rule is being amended as follows:

- Correction to typographical error
- Updated citation for EPA CCR rule and clarifying language in the Variance paragraph.

Rule 391-3-4-.05 “Criteria for Siting” is being amended.

Purpose: The purpose of this amendment is to delete an outdated reference and clarify language.

Main Feature: Deleted Subparagraph (1) (i) as it refers to “existing municipal solid waste landfill units,” which are no longer relevant and also clarifies language for type of assessment under (1) (j).

Rule 391-3-4-.06 “Permit by Rule for Collection, Transportation, Processing, and Disposal” is being amended.

Purpose: The purpose of this amendment is to clarify the interpretation of transfer station for the purposes of requirements contained in Subparagraph (3)(b)(1).

Main Feature: Subparagraph (3)(b)(i) being amended as follows to include the word “buildings” after “transfer stations”.

Rule 391-3-4-.07 “Landfill Design and Operations” is being amended.

Purpose: The purpose of this amendment is to clarify requirements related to landfill design and operations.

Main Features: This Rule is being amended as follows:

- Deleted 100 foot buffer allowance for facilities permitted prior to July 1991
- Struck “synthetic” and added liner “system” for liner
- Update reference to O.C.G.A. 12-7-6(18) (erosion and sedimentation control)
- Replaced “MSWLFs” with “landfills” in several places in order to clarify which performance standards apply to all landfills not just MSWLFs.

- Updated regulations with respect to explosive gas monitoring and reporting
- Included provisions for underdrain discharge monitoring

Rule 391-3-4-.08 “Solid Waste Thermal Treatment Operations” is being amended.

Purpose: The purpose of this amendment is to delete a date that is no longer relevant.

Main Features: This Rule is being amended to delete reference to April 1, 1993 in Subparagraph (2) (d).

Rule 391-3-4-.09 “Shredding, Baling, Materials Recovery Facilities and Other Processing Operations” is being amended.

Purpose: The purpose of this amendment is to clarify requirements contained within the section.

Main Features: Subparagraph (1) is being amended as follows:

- Add language requiring wastewater to be “contained fully on the facility until discharged or delivered to a wastewater treatment system...”
- Added liquids under Cleanliness and Sanitation in Subparagraph (1)(c)⁷

Rule 391-3-4-.10 “Coal Combustion Residuals” is being amended.

Purpose: The purpose of this amendment is to incorporate an updated citation to include new vacatur provisions and require all units to apply for a CCR permit.

Main Features: Subparagraph (1) is being amended as follows:

- To incorporate the updated citation to the Federal CCR Rule.
- Delete a reference to citation that is no longer valid.

Subparagraph (7) is being updated to clarify any outdated references from the vacatur rule.

Subparagraph (9) is being amended to require that all units must submit an application for a permit.

Subparagraph (11) is being amended to delete references to variances that are no longer necessary due to the incorporation of the vacatur rule.

Rule 391-3-4-.11 “Closure Criteria” is being amended.

Purpose: The purpose of this amendment is to update a citation to the Federal Rule and clarify language with respect to closure.

Main Features: Subparagraph (1) is being amended to updated citation to Federal Rule. Subparagraphs (3), (6) and (7) are being amended to clarify requirements for closure documents.

Rule 391-3-4.12 “Post-Closure Criteria” is being amended.

Purpose: The purpose of this amendment is to update a citation to the Federal Rule, to clarify language regarding post-closure and to outline the requirements to reduce post-closure care at certain units.

Main Features: Subparagraph (1) is being amended to update a citation to the Federal Rule. Subparagraphs (2), (3) and (6) are being amended to clarify requirements for post-closure documents. Subparagraphs (8) and (9) outline the requirements to complete and/or reduce post-closure care.

Rule 391-3-4.13 “Financial Responsibility” is being amended.

Purpose: The purpose of this amendment is to update the citation to the Federal Rule, delete an outdated reference and add a requirement from statute.

Main Features: Subparagraphs (2) and (3) are being amended to delete the reference to the earlier version of 40 CFR Part 258 and an outdated reference to facilities that ceased taking waste prior to April 8, 1994 while adding language from the Georgia Solid Waste Act regarding financial responsibility.

Rule 391-3-4.14 “Groundwater Monitoring and Corrective Action” is being amended.

Purpose: To modify applicability and clarify corrective action.

Main Features: Subparagraph (1) is being amended to modify applicability and Subparagraph (38) has been updated to include a requirement for a Corrective Action Plan based on a corrective measures assessment.

Rule 391-3-4.16 “Composting, Mulching and Anaerobic Digestion Facilities” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for Class 2 composting facilities and update financial assurance requirements.

Main Features: To amend the requirements for Class 2 composting facilities to include more flexibility and to require training for operators of such facilities, to clarify when financial assurance is required at a Class 3 composting facility, and to further clarify how “digestate” is defined.

Rule 391-3-4-.17 “Measuring and Reporting Requirements” is being amended.

Purpose: The purpose of this amendment is to clarify surcharge language, remove outdated references and provisions, and to clarify reporting requirements

Main Features: To clarify surcharge requirements in Subparagraph (4) and remove an outdated reference that no longer applies. Subparagraph (5) is being amended to clarify reporting requirements for operating CCR Units.

Rule 391-3-4-.18 “Operator Certification” is being amended.

Purpose: The purpose of this amendment is to clarify language and remove invalid dates.

Main Features: To clarify surcharge requirements in Subparagraph (1) and remove invalid dates.

Rule 391-3-4-.19 “Scrap and Used Tire Management” is being amended.

Purpose: The purpose of this amendment is to clarify definitions, reporting dates and requirements for scrap tire sorters and to add a requirement that used tire dealers keep an inventory.

Main Features: Amend the definition of “tire manifest,” in Subparagraph (2); clarify delivery of quarterly reports in Subparagraph (5); clarify storage and sorting requirements under Subparagraph (6); add requirements for sorters under Subparagraph (7); add requirements under Subparagraph (9) for used tire dealers to keep an inventory and control vectors.